

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUSSEL BRUCE CLARK,

Petitioner,

v.

WARDEN, FCI MENDOTA,

Respondent.

Case No. 1:24-cv-00211-KES-SAB-HC

ORDER REGARDING APPOINTMENT OF
COUNSEL AND REFERRING MATTER TO
FEDERAL PUBLIC DEFENDER'S OFFICE

ORDER DIRECTING CLERK OF COURT
TO SERVE DOCUMENTS ON FEDERAL
PUBLIC DEFENDER'S OFFICE

ORDER SETTING STATUS CONFERENCE

Petitioner is a federal prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On March 27, 2025, the assigned district judge adopted findings and recommendations recommending that an evidentiary hearing be held on Ground One (failure to provide Petitioner with a copy of the Disciplinary Hearing Officer ("DHO") report). (ECF No. 22.) The matter was referred to the Court to conduct the evidentiary hearing.

Rule 8 of the Rules Governing Section 2254 Cases¹ provides: "If an evidentiary hearing is warranted, the judge must appoint an attorney to represent a petitioner who qualifies to have counsel appointed under 18 U.S.C. § 3006A. The judge must conduct the hearing as soon as

¹ The Rules Governing Section 2254 Cases apply to § 2241 habeas petitions. See Rule 1(b) of the Rules Governing Section 2254 Cases ("The district court may apply any or all of these rules to a habeas corpus petition not covered by" 28 U.S.C. § 2254.).

practicable after giving the attorneys adequate time to investigate and prepare.” Rule 8(c), Rules Governing Section 2254 Cases in the United States District Courts (“Habeas Rules”), 28 U.S.C. foll. § 2254.

Accordingly, IT IS HEREBY ORDERED that:

1. The matter is referred to the Federal Public Defender’s Office to find counsel for Petitioner if Petitioner is financially eligible for appointment of counsel pursuant to 28 U.S.C. § 3006A;
2. Within **thirty (30) days** of the date of service of this order,
 - a. A notice of appearance shall be filed with the Court by the attorney representing Petitioner; or
 - b. A notice shall be filed with the Court by the Federal Public Defender’s Office that Petitioner is not financially eligible for appointment of counsel;
3. The Clerk of Court is directed to serve a copy of this order on the Federal Public Defender’s Office; and
4. A status conference is set for May 13, 2025, at 9:30 a.m. for purposes of scheduling the evidentiary hearing and addressing any issues pertaining thereto.

IT IS SO ORDERED.

Dated: **April 8, 2025**



STANLEY A. BOONE
United States Magistrate Judge